

Adopted

Rejected

MINORITY COMMITTEE REPORT

MR. SPEAKER:

A minority of your committee of the Whole, which met on March 23, 2005, to consider Engrossed Senate Bill 296, has had the same under consideration and begs leave to report the same back to the House with the recommendation that it be amended as follows:

- 1 Page 10, between lines 4 and 5, begin a new paragraph and insert:
- 2 "SECTION 16. IC 20-12-23-2 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The board of
- 4 trustees of the state university shall be nine (9) in number.
- 5 (b) This subsection does not apply to the student trustee appointed
- 6 under IC 20-12-24-3.5. Not more than ~~(1) one (1) of the trustees elected~~
- 7 ~~under IC 20-12-24-2, and (2) two (2) of the trustees appointed under~~
- 8 IC 20-12-24-3 may reside in the same county.
- 9 (c) The trustees and their successors shall be a body politic, with
- 10 the style of "The Trustees of Indiana University"; in that name to sue
- 11 and be sued; to elect one (1) of their number president; to elect a
- 12 treasurer, secretary, and such other officers as they may deem
- 13 necessary, to prescribe the duties and fix the compensation of such
- 14 officers; to possess all the real and personal property of such university
- 15 for its benefit; to take and hold, in their corporate name any real or
- 16 personal property for the benefit of such institution; to expend the
- 17 income of the university for its benefit; to declare vacant the seat of any
- 18 trustee who shall absent himself from two (2) successive meetings of
- 19 the board, or be guilty of any gross immorality or breach of the bylaws
- 20 of the institution; to elect a president, such professors and other officers
- 21 for such university as shall be necessary, and prescribe their duties and
- 22 salaries; to employ other persons as necessary; to establish programs of
- 23 fringe benefits and retirement benefits for the university's officers,
- 24 faculty, and other employees that may be supplemental to or in lieu of
- 25 state retirement programs established by statute for public employees;
- 26 to prescribe the course of study and discipline and price of tuition in

1 such university; and to make all bylaws necessary to carry into effect
2 the powers hereby conferred.

3 SECTION 17. IC 20-12-24-1 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The trustees of
5 Indiana University shall hereafter be ~~elected~~ **appointed** for such terms
6 of service, and in such manner as is herein provided. ~~and the terms of~~
7 ~~service of the trustees now in office, and of those hereafter elected;~~
8 ~~shall expire on the first day of July of the year in which such terms are~~
9 ~~to end.~~

10 SECTION 18. IC 20-12-24-3 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. ~~Five (5)~~ **Eight (8)**
12 members of the board of trustees shall be appointed by the governor for
13 terms of three (3) years, **on a staggered basis. Not more than sixty**
14 **percent (60%) of the members of the board may be members of the**
15 **same political party.** When a vacancy occurs in the membership of the
16 board of trustees who are appointed by the governor, because of death,
17 resignation, removal from the state, or for any other reason, such
18 vacancy shall be filled by an appointment of the governor for the
19 unexpired term.

20 SECTION 19. IC 20-12-37-1 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The board of trustees
22 of Purdue University shall consist of ten (10) members, to be appointed
23 for such term of service and in such manner as is herein provided. ~~and~~
24 ~~that the terms of all trustees shall terminate on the first day of July of~~
25 ~~the year in which their terms of office expire.~~

26 SECTION 20. IC 20-12-37-4 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) ~~Seven (7)~~ of The
28 trustees shall be appointed by the governor as follows:

29 (1) Two (2) of the trustees shall be appointed to serve for a term
30 of one (1) year;

31 (2) Two (2) for a term of two (2) years; and

32 (3) Two (2) for a term of three (3) years.

33 **(b) Not more than sixty percent (60%) of the members of the**
34 **board may be members of the same political party.**

35 ~~(b)~~ (c) Two (2) of the trustees so appointed shall be involved in
36 agricultural pursuits. One (1) of the trustees must be a full-time student
37 of Purdue University during the two (2) year tenure of the appointment.

38 ~~(c)~~ (d) To aid the governor in the selection of the student member,
39 a search and screen committee is created consisting of one (1)
40 representative of the governor and at least four (4) students chosen by
41 the elected student government representatives of the student body,
42 including at least one (1) student from each campus of the university,
43 main and regional. The committee shall establish the mode and criteria

1 to be used in the selection of student nominees to serve on the board of
2 trustees. The committee shall submit a list of at least ten (10) names to
3 the governor for the governor's consideration. The governor shall select
4 one (1) of these names for appointment as a trustee of the university in
5 accordance with this chapter.

6 ~~(d)~~ (e) All succeeding and subsequent trustees in this section
7 provided shall be appointed from the respective classes as provided in
8 this section. All succeeding and subsequent trustees ~~whether selected~~
9 ~~by the Purdue alumni association or appointed by the governor, as~~
10 ~~provided in this section,~~ shall serve for a period of three (3) years,
11 except for the student member who shall serve for two (2) years.

12 ~~(e)~~ (f) In case any vacancy occurs on the board of ~~of~~ trustees by
13 reason of the resignation, removal from the state, expiration of the term
14 of office, or otherwise, of any of the trustees appointed by the governor,
15 the vacancy shall be filled by the governor from the respective classes
16 as provided in this section to serve only for the unexpired term.

17 SECTION 21. IC 20-12-56-2 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. There is hereby
19 created a ~~bipartisan~~ board of trustees which shall be known and
20 designated as the Indiana State University board of trustees, to be
21 constituted as provided in this chapter, which shall be a perpetual body
22 corporate, with power to sue and be sued, and to hold in trust all funds
23 and property which may be provided for said university, and to
24 prescribe the duties and provide the compensation, including retirement
25 and other benefits, of the faculty, administration, and employees of the
26 university.

27 SECTION 22. IC 20-12-56-3 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The Indiana State
29 University board of trustees shall be composed of nine (9) trustees. The
30 governor shall appoint to the board ~~seven (7)~~ **nine (9)** competent
31 persons, one (1) of whom must be a student. ~~and two (2) additional~~
32 ~~competent persons, alumni of the university, nominated by the alumni~~
33 ~~council of the university, shall be appointed by the governor.~~ There
34 shall be one (1) or more women on the duly constituted board. **Not**
35 **more than sixty percent (60%) of the members of the board may be**
36 **members of the same political party.**

37 (b) All trustees and their successors shall be appointed for terms of
38 four (4) years, **on a staggered basis**, except the student member, who
39 shall be appointed for two (2) years during which time ~~he~~ **the student**
40 **member** must be a full-time student of Indiana State University.

41 (c) To aid the governor in the selection of the student member, a
42 search and screen committee is created consisting of one (1)
43 representative of the governor and at least four (4) students chosen by

1 the elected student government representatives of the student body. The
2 committee shall establish the mode and criteria to be used in the
3 selection of student nominees to serve on the board of trustees. The
4 committee shall submit a list of at least ten (10) names to the governor
5 for ~~his~~ **the governor's** consideration. The governor shall select one (1)
6 of these names for appointment as a trustee of the university in
7 accordance with the provisions of this chapter.

8 (d) All members appointed to the board shall be residents of the
9 state of Indiana and citizens of the United States of America. ~~The~~
10 ~~alumni members appointed to the board shall have completed a~~
11 ~~prescribed course of study by Indiana State University or its~~
12 ~~predecessors, Indiana State Normal School, Indiana State Teachers~~
13 ~~College, or Indiana State College.~~

14 (e) All vacancies occurring in the board from death, resignation,
15 or removal from the state shall be filled by appointment by the governor
16 for the unexpired term of the retiring member. ~~subject to the provision~~
17 ~~that the alumni council of the university shall nominate the appointee~~
18 ~~to fill a vacancy caused by the loss of an alumni member.~~

19 SECTION 23. IC 20-12-57.5-1 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (Ball State
21 University: Continuance) The state university located and established
22 at Muncie, Indiana is perpetuated under the name of "Ball State
23 University" together with its board of trustees hereafter designated as
24 the "Ball State University Board of Trustees" or Board of Trustees,
25 subject to the provisions of this chapter and all other laws governing the
26 affairs of their predecessors.

27 SECTION 24. IC 20-12-57.5-2 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (Board of Trustees:
29 Membership) The Ball State University Board of Trustees shall be
30 composed of nine (9) members, appointed by the governor pursuant to
31 the provisions of this chapter, ~~six (6)~~ **eight (8)** of whom shall be
32 appointed at large, ~~two (2) of whom shall be appointed as alumni of~~
33 ~~Ball State University~~ and one (1) of whom shall be appointed as a Ball
34 State University student. Within the nonstudent board membership, not
35 more than six (6) shall be of the same sex, and not less than one (1)
36 shall be a resident of and reside in Delaware County, Indiana. **Not**
37 **more than sixty percent (60%) of the members of the board may be**
38 **members of the same political party.** To aid the governor in the
39 selection of the student member, a search and screen committee is
40 created consisting of one (1) representative of the governor and at least
41 four (4) students chosen by the elected student government
42 representatives of the student body. The committee shall establish the
43 mode and criteria to be used in the selection of student nominees to

1 serve on the board of trustees. The committee shall submit a list of at
2 least ten (10) names to the governor for ~~his~~ **the governor's**
3 consideration. The governor shall select one of these names for
4 appointment as a trustee of the university in accordance with the
5 provisions of this chapter.

6 SECTION 25. IC 20-12-57.5-8 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) With the
8 exception of the student member of the board, all appointments to the
9 board of trustees are for four (4) year terms, **on a staggered basis**. Each
10 term of a nonstudent board member begins on January 1 of the
11 appropriate year. Each member shall serve until his successor is
12 appointed and qualified.

13 (b) The student member of the board of trustees who is appointed
14 under section 2 of this chapter is appointed for a two (2) year term. ~~His~~
15 **The student member's** term begins on July 1 of the year in which ~~he~~
16 **the student member** is appointed. The student member of the board
17 must be a full-time student at Ball State University throughout ~~his~~ **the**
18 **student member's** term.

19 SECTION 26. IC 20-12-57.5-9 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (Board: Vacancies)
21 All vacancies occurring on the board of trustees from death,
22 incapacitation or resignation shall be filled by appointment of the
23 governor for the unexpired term. ~~Vacancies in offices held by alumni~~
24 ~~members shall be filled from nominees submitted by the alumni~~
25 ~~council."~~

26 Page 14, between lines 24 and 25, begin a new paragraph and
27 insert:

28 "SECTION 35. IC 20-12-64-7 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) The board
30 consists of nine (9) members who shall serve staggered terms of four
31 (4) years. **Not more than sixty percent (60%) of the members of the**
32 **board may be members of the same political party.** However, the
33 student member required by subsection (c) shall serve a term of two (2)
34 years.

35 (b) Each member of the board must be a citizen of the United
36 States and a resident of Indiana.

37 (c) The board must include at least the following:

38 ~~(1) One (1) member who is an alumnus of the university or an~~
39 ~~alumnus of the regional campus.~~

40 ~~(2) (1) One (1) member who is a full-time student in good~~
41 ~~standing enrolled in the university.~~

42 ~~(3) (2) One (1) member who is a resident of Vanderburgh~~
43 ~~County."~~

Page 18, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 41. IC 23-13-18-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The board of trustees of Vincennes University shall consist of ten (10) trustees. Nine (9) shall be appointed by the governor, one (1) of whom must be a resident of Knox County. ~~and one (1) must be an alumnus of Vincennes.~~ **Not more than sixty percent (60%) of the members of the board may be members of the same political party.** In addition, the governor shall appoint one (1) trustee who is a full-time student of the university during ~~his~~ **the student's** term.

(b) To aid the governor in the selection of the student member, a search and screen committee is created consisting of one (1) representative of the governor and at least four (4) students chosen by the elected student government representatives of the student body. The committee shall establish the mode and criteria to be used in the selection of student nominees to serve on the board of trustees. The committee shall submit a list of at least five (5) names to the governor for ~~his~~ **the governor's** consideration. The governor shall select one (1) of these names for appointment as a trustee of the university in accordance with the provisions of this chapter.

(c) There shall be four (4) ex officio members of the board: the president of the university, the superintendent of the Vincennes Community School Corporation, the superintendent of the South Knox School Corporation, and the superintendent of the North Knox School Corporation.

(d) The term of each appointed trustee shall be for three (3) years, except that of the student appointee, who shall serve a one (1) year term. When a vacancy occurs in the membership of the board of trustees, such vacancy shall be filled by the ~~board~~ **governor** for the unexpired term. The appropriate number of appointive trustees shall be appointed prior to the first Monday of October of each year, and that first Monday shall be the first day of their terms.

(e) The annual meeting of the board shall be held on the first Monday of October of each year. Special meetings may be called by the president of the board or by any four (4) trustees.

(f) Six (6) trustees shall constitute a quorum at any regular or special meeting of the board.

(g) The trustees shall serve without compensation, except that each member is entitled to the salary per diem as provided by IC 4-10-11-2.1 and to reimbursement for travel, lodging, meals, and other expenses as provided in the state travel policies and procedures established by the department of administration and approved by the state budget agency.

SECTION 42. THE FOLLOWING ARE REPEALED

1 [EFFECTIVE JULY 1, 2005]: IC 20-12-24-2; IC 20-12-24-4;
2 IC 20-12-24-5; IC 20-12-24-6; IC 20-12-24-7; IC 20-12-37-3;
3 IC 20-12-57.5-4; IC 20-12-57.5-5; IC 20-12-57.5-6; IC 20-12-64-9.".

4 Page 18, after line 14, begin a new paragraph and insert:

5 "SECTION 45. [EFFECTIVE UPON PASSAGE] (a)
6 **Notwithstanding IC 20-12-24-1, IC 20-12-24-3, IC 20-12-37-4,**
7 **IC 20-12-56-2, IC 20-12-56-3, IC 20-12-57.5-2, IC 20-12-57.5-9,**
8 **IC 20-12-64-7, IC 23-13-18-4, the terms of all members of the**
9 **boards of trustees of Indiana University, Purdue University,**
10 **Indiana State University, Ball State University, the University of**
11 **Southern Indiana, and Vincennes University who have been**
12 **appointed or elected and are serving as of June 30, 2005, terminate**
13 **on June 30, 2005.**

14 (b) **Before June 25, 2005, the governor shall make**
15 **appointments to fill the vacancies on the boards of trustees of**
16 **Indiana University, Purdue University, Indiana State University,**
17 **Ball State University, University of Southern Indiana, Vincennes**
18 **University that result from subsection (a). The governor's**
19 **appointments must comply with IC 20-12-24-1, IC 20-12-24-3,**
20 **IC 20-12-37-4, IC 20-12-56-2, IC 20-12-56-3, IC 20-12-57.5-2,**
21 **IC 20-12-57.5-9, IC 20-12-64-7, IC 23-13-18-4, as amended by this**
22 **act.**

23 (c) **The initial term of each state board member appointed**
24 **under subsection (b) is to begin on July 1, 2005. The governor shall**
25 **make the appointments in a manner that provides for the initial**
26 **terms of the board members appointed under this subsection to be**
27 **staggered, with the initial terms of one-third (1/3) of the members**
28 **expiring on July 1, 2006, the initial terms of one-third (1/3) of the**
29 **members expiring on July 1, 2007, and the initial terms of the**
30 **remaining one-third (1/3) of the members expiring on July 1, 2008.**
31 **Thereafter, appointments shall be for three (3) year terms, on a**
32 **staggered basis.**

1 **(d) This SECTION expires on January 1, 2009.**
2 **SECTION 46. An emergency is declared for this act."**
3 Renumber all SECTIONS consecutively.
 (Reference is to SB 296 as printed February 11, 2005.)

and when so amended that said bill do pass.

Representative Cheney